

Customer No.: 31561
Application No.: 10/605,302
Docket No.: 11090-US-PA

REMARKS

Present Status of the Application

The Office Action mailed on April 27, 2006 has rejected claims 1 – 31 under 35 USC 101 because the claims allegedly were not directed towards the final result that is “useful, tangible and concrete.”

Furthermore, the claims are objected to because the lines are crowded too closely together, based upon 37 CFR 1.52(b).

The use of the trademark “ORACLE” has been alleged to be noted in the present application. The Examiner had requested that the above trademark to be capitalized during use, as well as accompanied by the generic terminology.

The drawings are objected to because they are difficult to read. Corrected drawings are required for compliance with 37 CFR 1.121(d).

Claims 1 and 2 are rejected under 35 USC 112, second paragraph, as for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Examiner stated that it is unclear as to what Applicant intended as “database or not”.

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The Applicants believe that that the Examiner must have **mistakenly accidentally switched** another patent application with the present invention. In other words, the current Office Action is mistakenly directed to **ANOTHER** patent application and **NOT TO** the present invention which is titled **A FLASHLIGHT CONTROL DEVICE AND OPERATING METHOD THEREOF**.

Therefore, reconsideration of claims 1-13 is respectfully requested. Furthermore, the corresponding patent term adjustment considerations are also requested based upon 37 CFR 1.702(a). As stated in MPEP 2730, "37 CFR 1.702(a) indicates that a patent is entitled to patent term adjustment if the Office fails to perform certain acts of examination within specified time frames (35 U.S.C. 154(b)(1)(A))."

Discussion of Miscellaneous Issues

The Applicants have arrived at the aforementioned deductions that the **wrong** Patent Application is being examined for the Patent Application Number 10/605,302 titled: "A FLASHLIGHT CONTROL DEVICE AND OPERATING METHOD THEREOF" based upon the following facts:

- 1) The present patent application has 13 claims and not 31 claims as stated throughout the Office Action.
- 2) The present patent application does not contain the trademark "ORACLE" at all as was objected to in page 2 of the Office Action.
- 3) The present patent application does not contain the phrase "database or not" in either claim 1 or 2 as referred to on pages 3-4 in the Office Action.

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- 4) The Examiner had stated a rejection under 35 USC 101 to claims 1-31 based upon a lack of "useful, tangible and concrete" result argument. The above argument is only valid pertaining to computer-related inventions as described in MPEP 2106. Therefore, the subject matter is not relevant to that of the present invention.
- 5) The transaction history in the Patent Application Information Retrieval (PAIR) does not show the entry of the current Office Action dated April 27, 2006.

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CONCLUSION

For at least the foregoing reasons, it is believed that all the pending claims 1-13 of the present application patently define over the prior art and are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

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Respectfully submitted



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